

CHAPTER 2: GENERAL PROVISIONS

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Section 2.1 Applicability of General Provisions

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

Section 2.2 General Lot Standards

- A. No building, land or portion thereof shall be erected, used, moved, or altered except in conformity with the regulations specified for the district in which it is located.
- B. No lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.
- C. Front and side yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- D. Corner lots shall be considered to have two (2) front yards and shall utilize the minimum front setback for each street frontage.
- E. Only one principal building and its customary accessory building(s) shall be located on any lot, except as allowed in individual districts for non-residential and mixed use developments.
- F. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.
- G. All structures shall have access available from a public street via street frontage, access easement, or other useable access for use by service or emergency vehicles.
- H. All lots shall front upon a street built in accordance with this Ordinance. Unless otherwise noted, a minimum of 35 feet of street frontage is required for each lot. Generally, all buildings shall front directly upon a street and shall be of sufficient design to allow for the provision of emergency services.
- I. Flag (or panhandle) lots may be developed on a limited basis in subdivisions where individual development of each lot is contemplated and the Technical Review Committee determines that no future street access through the property will be needed and/or for irregularly shaped properties or sites with physical limitations. The minimum width of the “pole” portion of a flag lot shall be the minimum public street frontage requirement for the corresponding district. The maximum number of flag lots shall be one (1) lot per every twenty (20) lots. The RP district does not have a limit on the number of flag lots.

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- J. Essential services as defined by this ordinance are not subject to the minimum setbacks set forth in the zoning districts.
- K. Canopies, awnings, bicycle parking, and outdoor seating areas may encroach into the front setback up to 10 feet.

Section 2.3 Uses Not Expressly Permitted by Right or as a Special Use

- A. Uses designated as "permitted uses" and "uses permitted with additional requirements" are allowed in a district as a matter of right if other applicable regulations of this Ordinance are met. Uses classified as "special uses" are permitted upon approval of a development plan by the Board of Adjustment.
- B. The Board of Adjustment may after having held a public hearing determine if a use is permitted within a zoning district based on its interpretation of this Ordinance if the Zoning Administrator determines that the use's permissibility within a zoning district is unclear in the Ordinance.
- C. Unless a use is allowed as a "permitted", "use permitted with additional requirements", "special use", "nonconforming use", or "temporary use", then such use is prohibited.

Section 2.4 Conformance with Adopted Plans

In accordance with the requirement of NCGS § 160A-383, the regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans adopted by the Town Council. All new developments shall be designed in conformance with adopted plans including but not limited to the Comprehensive Plan, small area plans, land use plans, parks and recreation plans, thoroughfare plans, and school plans.